

Before the
Federal Communications Commission
Washington D.C. 20554

In the matter of

2002 Biennial Regulatory Review – Review of
the Commission’s Broadcast Ownership Rules and
Other Rules Adopted Pursuant to Section 202 of
the Telecommunications Act of 1996

MB Docket No. 02-277

COMMENTS OF THE NETWORK AFFILIATED STATIONS ALLIANCE

The Network Affiliated Stations Alliance (“NASA”), a coalition representing some 600 local television stations affiliated with the ABC, CBS, and NBC Television Networks, submits these comments in response to the Media Bureau’s Notice requesting comment on the effect, if any, of Section 629 of the Consolidated Appropriations Act, 2004, Pub. L. No. 108-199, § 629, 118 Stat. 3 (2004), on the Commission’s authority to modify the UHF discount.¹ For the reasons explained below, the Commission retains authority to implement its decision in the *2002 Biennial Review Order*² to phase out the UHF discount for television stations owned by the four

¹ *Public Notice* in MB Docket No. 02-277, DA 04-320 (rel. Feb. 19, 2004).

² Federal Communications Commission, In the Matter of 2002 Biennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, Cross-Ownership of Broadcast Stations and Newspapers, Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets, Definition of Radio Markets, Definition of Radio Market for Areas Not Located in an Arbitron Survey Area, *Report and Order and Notice of Proposed Rulemaking*, MB Docket No. 02-277, MM Docket Nos. 01-235, 01-317, 00-244 and MB Docket (continued...)

major television networks following the digital transition. Nothing in the text of Section 629 or the legislative history of the Consolidated Appropriations Act, 2004 indicates that Congress intended to reverse the Commission on this issue. If the Commission were to conclude otherwise, it would undermine the integrity and effectiveness of the 39 percent national ownership limit enacted by Congress, by allowing the major networks to acquire numerous additional television stations following the digital transition – a result Congress surely did not intend when it enacted Section 629.

I. BACKGROUND

A. *2002 Biennial Review Order*

In the *2002 Biennial Review Order*, the Commission modified the national television ownership rule to allow entities to own or control broadcast television stations that collectively reach 45 percent of television households nationwide. The Commission also decided that the 50 percent UHF discount for calculating audience reach under the national television ownership rule should sunset for “the stations owned by the top four broadcast networks (*i.e.*, CBS, NBC, ABC, and Fox) as the digital transition is completed on a market by market basis.” *2002 Biennial Review Order* ¶591.³

(footnote cont’d)

No. 03-130, FCC 03-127, 18 FCC Rcd 13620 (July 2, 2003). (herein “*2002 Biennial Review Order*”).

³ Pursuant to the *2002 Biennial Review Order*, the sunset will take place unless the Commission subsequently makes an affirmative determination that the public interest would be served by continuing the UHF discount for the major networks beyond the digital transition. *2002 Biennial Review Order* ¶590.

Two competing considerations informed the Commission's treatment of the UHF discount. *First*, the Commission concluded that "the digital transition will largely eliminate the technical basis for the UHF discount because UHF and VHF signals will be substantially equalized." *Id.* *Second*, the Commission concluded that retention of the UHF discount promotes entry by new broadcast networks. *Id.* at ¶589. The Commission announced that it will examine whether retention of the UHF discount beyond the digital transition for station group owners other than the big four networks is in the public interest. *Id.* at ¶591. In the absence of any counterbalancing reason that might warrant retaining the UHF discount for stations owned by the big four networks, the Commission decided to sunset the UHF discount for those networks on a market by market basis as the digital transition is completed.

B. Congress's Response and the Enactment of the Consolidated Appropriations Act, 2004

Congress's reaction to the Commission's decision to raise the national television ownership cap from 35 percent to 45 percent was swift and overwhelmingly negative. On July 23, 2003, the House, by a vote of 400-21, passed an appropriations bill that would have had the effect of maintaining the cap at 35 percent.⁴ On September 16, 2003, the Senate passed a resolution that would have had a similar effect.⁵ Both actions resulted directly from legislators' concerns that raising the cap to 45 percent would allow the major networks to dominate broadcast television by acquiring additional television stations.⁶

⁴ 149 Cong. Rec. H7369 (daily ed. July 23, 2003).

⁵ 149 Cong. Rec. S11519 (daily ed. Sept. 16, 2003).

⁶ *E.g.*, 149 Cong. Rec. S11513 (daily ed. Sept. 16, 2003) (statement of Sen. Kerry) ("The television industry is undergoing rapid consolidation as a handful of national networks have acquired local stations across the country.... Locally owned and operated stations are more likely (continued...)

Ultimately, the Conference Committee modified the bill to direct the Commission to set the national television ownership cap at 39 percent rather than 35 percent. The legislative history suggests that the purpose of increasing the ownership limit from 35 percent to 39 was to prevent “Fox and CBS” from having to divest television stations. 149 Cong. Rec. H12315 (daily ed. Nov. 25, 2003) (statement of Rep. Obey); 150 Cong. Rec. S78 (daily ed. Jan. 21, 2004) (statement of Sen. Byrd).

The Consolidated Appropriations Act, 2004 became law on January 23, 2004. Sections 202(c)(1)(B) and 202(h) of the 1996 Act, as amended by Section 629 of the Consolidated Appropriations Act, 2004, now provide:

“(c) TELEVISION OWNERSHIP LIMITATIONS.—

(1) NATIONAL OWNERSHIP LIMITATIONS.—The Commission shall modify its rules for multiple ownership set forth in section 73.3555 of its regulations (47 C.F.R. § 73.3555) —

[* * * *]

(B) by increasing the national audience reach limitation for television stations to **39 percent**.”

“(h) FURTHER COMMISSION REVIEW. — The Commission shall review its rules adopted pursuant to this section and all of its ownership rules **quadrennially** as part of its regulatory reform

(footnote cont’d)

to be responsive to local needs, interests and values than those stations owned and operated by national networks.”); *id.* (statement of Sen. Leahy) (“If the cap is increased to 45 percent we can be sure that major networks will meet or exceed the new threshold, as some companies have done under the current standards, allowing for the acquisition of local stations while eliminating the unique choices that local programming can provide.”); 149 Cong. Rec. H7250 (statement of Rep. Obey) (“There is a great deal of consternation about [the FCC’s decision to raise the national television ownership cap to 45 percent] across the country, and I think that consternation is rooted in the fact that the public is beginning to understand that five media conglomerates, Viacom, Disney, AOL Time Warner, Newscorp and General Electric now control a 70 percent share of homes that are watching during prime time.”).

review under section 11 of the Communications Act of 1934 and shall determine whether any of such rules are necessary in the public interest as a result of competition. The Commission shall repeal or modify any regulation it determines to be no longer in the public interest. **This subsection does not apply to any rules relating to the 39 percent national audience reach limitation in subsection (c)(1)(B)."**

(Emphasis added.)

II. DISCUSSION

A. Section 629 Does Not Divest The Commission Of Authority To Sunset The UHF Discount For The Four Major Networks.

1. "The starting point of interpretation of a statute is the language of the statute itself." *Kaiser Aluminum Chem. Corp. v. Bonjorno*, 494 U.S. 827, 835 (1990) (internal quotations and citations omitted). In clear and unambiguous language, Section 629 directs the Commission to make one specific change to the national television ownership rule: "to modify ... section 73.3555 of its regulations (47 C.F.R. § 73.3555)" to "increas[e] the national audience reach limitation for television stations to 39 percent." The statutory language does not direct the Commission to change (or not change) any other aspect of the national television ownership rule. In particular, Congress did not direct the Commission "to retain the 50 percent UHF discount in perpetuity," or for any specific period of time. Nor did Congress overrule the Commission's decision to sunset the UHF discount for major networks as the digital transition occurs. Indeed, Section 629 does not even mention the UHF discount.

2. In addition to directing the Commission to reduce the 45 percent limit to 39 percent, Section 629 directs the Commission to conduct a review of its ownership rules on a "quadrennial[]," rather than "biennial[]" basis, and it exempts from that quadrennial review "any rules relating to the 39 percent national audience reach limitation in subsection (c)(1)(B)." These provisions do not divest the Commission of authority to phase out the UHF discount for major

networks. Assuming the UHF discount is “relate[d] to the 39 percent national audience reach limitation,” the effect of these provisions is simply to exempt the UHF discount from the quadrennial review process. Two well-established principles of statutory interpretation confirm that the Commission retains its authority to implement its decision to sunset the UHF discount for the four major networks.

First, it is well-established that “repeals by implication are not favored, ... and will not be found unless an intent to repeal is clear and manifest.” *Rodriguez v. United States*, 480 U.S. 522, 524 (1987) (internal questions and citations omitted). Section 629 amends Section 202(h) of the Telecommunications Act of 1996, which in turn amends the Communications Act. *See AT&T Corp. v. Iowa Utilities Bd.*, 525 U.S. 366, 377-78 (1999) (“Congress expressly directed that the 1996 Act, along with its local-competition provisions, be inserted into the Communications Act of 1934”). Construing Section 202(h) to “freeze” the UHF discount would result in an implied repeal of the Commission’s general rulemaking authority under the Communications Act to “make such rules and regulations . . . not inconsistent with law, as may be necessary to carry out the provisions of” the Act, or “as may be necessary in the execution of [the Commission’s] functions.” 7 U.S.C. §§ 154(i), 303(r). It is far from “clear and manifest” that Congress intended to repeal the Commission’s authority to implement its decision to sunset the UHF discount for the big four networks following the digital transition. Accordingly, Section 629 cannot be interpreted to require such a result.⁷

⁷ Although a similar argument could be made with respect to the 39 percent limit itself, there is a significant difference. Congress expressly directed the Commission to change the national ownership limit from 45 percent to 39 percent, but it gave no such express direction with respect to the Commission’s decision to sunset the UHF discount for the big four networks – even though the Commission announced both decisions in the same Order. Congress’s explicit (continued...)

Second, there is a well-established presumption that Congress knows the law. *See, e.g., Cannon v. University of Chicago*, 441 U.S. 677, 696-97 (1979) (“It is always appropriate to assume that our elected representatives, like other citizens, know the law.”). Congress presumably knew that the Commission’s 2002 *Biennial Review Order* not only raised the national television ownership limit from 35 percent to 45 percent, but also sunset the UHF discount for the major networks following the digital transition. Congress addressed the 45 percent limit in clear and unambiguous terms, but did not so much as mention the UHF discount. Moreover, as explained in Part II below, retaining the 50 percent UHF discount for the major networks following the digital transition would allow the major networks to acquire numerous additional television stations. In these circumstances – and particularly in view of the overwhelming opposition in Congress to allowing the major networks that have already reached the 39 percent limit to acquire additional stations – it is simply unreasonable to conclude that Congress intended to permit many such acquisitions to occur as soon as the digital transition is complete.

3. Some parties have suggested that Congress’s use of the term “national audience reach” in Section 202(c)(1)(B) of the Telecommunications Act of 1996 shows that Congress “intended that the UHF discount would continue to be employed in calculating national

(footnote cont’d)

statutory command to the Commission to roll back the national ownership limit to 39 percent affords a much stronger basis for arguing that the Commission should leave the 39 percent limit in place.

audience reach.”⁸ In fact, the language of Section 202(c)(1)(B) conveys no such legislative intent. In support of their position, these parties invoke two lines of cases that do not apply to this situation. In one line of cases, the Supreme Court has observed that “when administrative and judicial interpretations have settled the meaning of an existing statutory provision, repetition of the same language in a new statute indicates, as a general matter the intent to incorporate its administrative and judicial interpretations as well.” *Bragdon v. Abbott*, 524 U.S. 624, 645 (1998); *see also Toyota Motor Mfg., Kentucky, Inc. v. Williams*, 534 U.S. 184, 194-95 (2002). In the other line of cases, the Supreme Court indicated that “a long-standing administrative interpretation, applying to a substantially re-enacted statute, is deemed to have received congressional approval....” *Commissioner of Internal Revenue v. Estate of Noel*, 380 U.S. 678, 682 (1965).

These cases have no application here, for two reasons. *First*, “[i]t is of course not true that whenever Congress enacts legislation using a word that has a given administrative interpretation it means to freeze that interpretation in place.” *Lukhard v. Reed*, 481 U.S. 368, 379 (1987) (plurality opinion). To the contrary, as the Supreme Court has explained, “[t]he oft-repeated statement that administrative construction receives legislative approval by reenactment ... covers the situation where the validity of administrative action standing by itself may be dubious It does not mean that a regulation interpreting a provision of one act becomes frozen into another act merely by reenactment of that provision, so that administrative

⁸ Letter Brief of Paxson Communications Corporation and Univision Communications Inc. re: Prometheus Radio Project, et al. v. FCC and United States (3rd Cir., Docket No. 03-3388) (Feb. 2, 2004), at 4 n.3. Paxson and Univision do not operate one of the four major networks, and therefore are not affected by the Commission’s decision to sunset the UHF discount for the major networks.

interpretation cannot be changed prospectively through exercise of appropriate rule-making powers.” *Helvering v. Wilshire Oil Co.*, 308 U.S. 90, 100 (1939).⁹

Second, Congress enacted the 2004 legislation against the backdrop of the Commission’s decision to sunset the UHF discount for the big four networks before Congress enacted Section 629. Once the Commission issued its *2002 Biennial Review Order*, there was no “settled” or “long-standing” agency position in favor of retaining the UHF discount. Instead, the agency’s position was that the UHF discount should sunset for stations owned by the four major networks following the digital transition. To the extent that Congress implicitly approved anything in 2004, it approved the Commission’s current position.

4. As noted above, the legislative history suggests that the purpose of increasing the national television ownership limit from 35 percent to 39 percent was to eliminate the need for “Fox and CBS” to divest stations. 149 Cong. Rec. H12315 (daily ed. Nov. 25, 2003) (statement of Rep. Obey). Congressional concern over a relatively small number of immediate divestitures cannot possibly justify a conclusion that Congress intended to allow the major networks to make a large number of future acquisitions. The particular change that the conferees made to the bill – simply replacing “35 percent” with “39 percent” – did not alter the structure of the 35 percent bill originally passed by the House, providing a further indication that the conferees’ concern was with the prospect of immediate divestitures. To the extent the conferees considered future divestitures, they presumably were aware of the Commission’s

⁹ In this instance, the Commission was not even interpreting statutory language; “national audience reach” is a term in the Commission’s own regulation, not a statute. This provides an additional reason to conclude that Congress did not intend to “freeze” the Commission’s position.

longstanding practice of grandfathering existing station combinations and concluded that any difficulties involving future divestitures could be addressed by the Commission as they arose.

B. Interpreting Section 629 To Mandate Retention Of A 50 Percent UHF Discount For The Major Networks Following The Digital Transition Would Undermine Congress’s Decision To Require a 39 Percent National Television Ownership Limit.

If the Commission were to interpret Section 629 as overruling its decision to sunset the UHF discount for stations owned by Fox, CBS, NBC, and ABC, it would undermine the 39 percent national television ownership limit enacted by Congress. As shown by the attached chart (see Attachment 1), most television stations owned by the big four networks and considered for purposes of determining national audience reach broadcast their analog signals on VHF frequencies.¹⁰ Specifically:

- 69 percent (18 out of 26) of the stations owned by Fox that currently are considered for the national audience reach calculation are VHF stations.
- 55 percent (16 out of 29) of the stations owned by Viacom that currently are considered for the national audience reach calculation are VHF stations.
- 60 percent (12 out of 20) of the stations owned by GE that currently are considered for the national audience reach calculation are VHF stations.
- 90 percent (9 out of 10) of the stations owned by Disney that currently are considered for the national audience reach calculation are VHF stations.

Most of these VHF stations have been assigned “in core” UHF frequencies (*i.e.*, channels between 14 and 51) for their digital signals. Specifically:

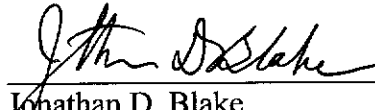
- Fox has been assigned “in core” UHF channels for 72 percent (13 out of 18) of its VHF stations that are considered for purposes of determining its national audience reach.

¹⁰ Only one station from a particular DMA is counted for purposes of calculating national audience reach. *See* 47 C.F.R. § 73.3555(d)(2)(ii).

- Viacom has been assigned “in core” UHF channels for 75 percent (12 out of 16) of its VHF stations that are considered for purposes of determining its national audience reach.
- GE has been assigned “in core” UHF channels for 75 percent (9 out of 12) of its VHF stations that are considered for purposes of determining its national audience reach.
- Disney has been assigned “in core” UHF channels for 55 percent (5 out of 9) of its VHF stations that are considered for purposes of determining its national audience reach.

The major networks are likely to retain their in-core UHF channel assignments for many, if not all, of their stations once the digital transition is complete. If the 50 percent UHF discount remains in effect following the digital transition, the four major networks will immediately become eligible to acquire numerous additional stations simply by virtue of continuing to broadcast their DTV signal over the “in core” UHF channels they have already been assigned. Moreover, if a major network sold its VHF stations and purchased all digital UHF stations, it could own stations reaching *78 percent* of television households, yet still be considered within the 39 percent limit. Such a result – or anything approaching it – is plainly contrary to the intent of Congress, which enacted a 39 percent limit in order to prevent companies such as Fox and Viacom from acquiring additional television stations. Retaining the UHF discount for the major networks following the digital transition would completely undermine the integrity and effectiveness of Congress’s recent legislation.

Respectfully submitted,



Jonathan D. Blake
Robert A. Long, Jr.
Jennifer A. Johnson
Heidi C. Doerhoff
COVINGTON & BURLING
1201 Pennsylvania Avenue, NW
Washington, DC 20004-2401
202-662-6000 (Phone)
202-662-6291 (Fax)

Wade H. Hargrove
Charles F. Marshall
BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.
Wachovia Capitol Center, Suite 1600
150 Fayetteville Street Mall (27601)
Raleigh, NC 27602
919-839-0300(Phone)

*Counsel for Network Affiliated Stations
Alliance*

*Counsel for Network Affiliated Stations
Alliance*

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Attachment 1

Television Stations Owned By Companies Associated With The Big Four Networks										
RANK	DESIGNATED MARKET AREA	TV HOUSEHOLDS	% OF U.S.	VIACOM			FOX ENTERTAINMENT GROUP	GENERAL ELECTRIC		THE WALT DISNEY CO.
				CBS	UPN	Other		NBC	Telemundo	
1	New York	7,282,320	6.829	WCBS (Ch. 2, DT 56, CBS)			WNYW (Ch. 5, DT 44, FOX) WWOR (Ch. 9, DT 38, UPN)	WNBC (Ch. 4, DT 28, NBC)	WNJU (Ch. 47, DT 36, Tele.)	WABC (Ch. 7, DT 45, ABC)
2	Los Angeles	5,318,040	4.987	KCBS (Ch. 2, DT 60, CBS)		KCAL (Ch. 9, DT 43, Indep.)	KCOP (Ch. 13, DT 66, UPN) KTTV (Ch. 11, DT 65, FOX)	KNBC (Ch. 4, DT 36, NBC)	KWHY (Ch. 22, DT 42, Tele.) KVEA (Ch. 52, DT 39, Tele.)	KABC (Ch. 7, DT 53, ABC)
3	Chicago	3,351,330	3.143	WBBM (Ch. 2, DT 3, CBS)			WFLD (Ch. 32, DT 31, FOX) WPWR (Ch. 50, DT 51, UPN)	WMAQ (Ch. 5, DT 29, NBC)	WSNS (Ch. 44, DT 45, Tele.)	WLS (Ch. 7, DT 52, ABC)
4	Philadelphia	2,830,470	2.654	KYW (Ch. 3, DT 26, CBS)	WPSG (Ch. 57, DT 32, UPN)		WTFX (Ch. 29, DT 42, FOX)	WCAU (Ch. 10, DT 67, NBC)		WPVI (Ch. 6, DT 64, ABC)
5	San Francisco-Oak-San Jose	2,436,220	2.284	KPIX (Ch. 5, DT 29, CBS)				KNTV (Ch. 11, DT 12, NBC)	KSTS (Ch. 48, DT 49, Tele.)	KGO (Ch. 7, DT 24, ABC)
6	Boston (Manchester)	2,353,500	2.207	WBZ (Ch. 4, DT 30, CBS)	WSBK (Ch. 39, DT 39, UPN)		WFXT (Ch. 25, DT 31, FOX)		WNEU (Ch. 60, DT 34, Tele.)	
7	Dallas-Ft. Worth	2,195,540	2.059	KTVT (Ch. 11, DT 19, CBS)	KTXA (Ch. 21, DT 18, UPN)		KDFW (Ch. 4, DT 35, FOX) KDFI (Ch. 27, DT 36, Indep.)	KXAS (Ch. 5, DT 41, NBC)	KXTX (Ch. 39, DT 40, Tele.)	
8	Washington, DC (Hagrstwn)	2,169,230	2.034				WDCA (Ch. 20, DT 35, UPN) WTTG (Ch. 5, DT 36, FOX)	WRC (Ch. 4, DT 48, NBC)		
9	Atlanta	1,971,180	1.848		WUPA (Ch. 69, DT 43, UPN)		WAGA (Ch. 5, DT 27, FOX)			
10	Detroit	1,899,910	1.782	WWJ (Ch. 62, DT 44, CBS)	WKBD (Ch. 50, DT 14, UPN)		WJBK (Ch. 2, DT 58, FOX)			
11	Houston	1,814,140	1.701				KRIV (Ch. 26, DT 27, FOX) KTXH (Ch. 20, DT 19, UPN)		KTMD (Ch. 48, DT 47, Tele.)	KTRK (Ch. 13, DT 32, ABC)
12	Seattle-Tacoma	1,659,100	1.556		KSTW (Ch. 11, DT 36, UPN)					
13	Tampa-St. Pete (Sarasota)	1,620,110	1.519		WTOG (Ch. 44, DT 59, UPN)		WTVT (Ch. 13, DT 12, FOX)			
14	Minneapolis-St. Paul	1,594,740	1.495	WCCO (Ch. 4, DT 32, CBS) KCCO (Ch. 7, DT 24, CBS) (Satellite of WCCO) KCCW (Ch. 12, DT 20, CBS) (Satellite of WCCO)			WFTC (Ch. 29, DT 21, FOX) KFTC (Ch. 26, FOX) (Satellite of WFTC) KMSP (Ch. 9, DT 26, UPN)			
15	Cleveland-Akron (Canton)	1,528,840	1.434				WJW (Ch. 8, DT 31, FOX)	WKYC (Ch. 3, DT 2, NBC)		
16	Phoenix	1,524,130	1.429				KSAZ (Ch. 10, DT 31, FOX) KUTP (Ch. 45, DT 26, UPN)			
17	Miami-Ft. Lauderdale	1,486,860	1.394	WFOR (Ch. 4, DT 22, CBS)	WBFS (Ch. 33, DT 32, UPN)			WTVJ (Ch. 6, DT 31, NBC)	WSCV (Ch. 51, DT 52, Tele.)	
18	Denver	1,366,250	1.281	KCNC (Ch. 4, DT 35, CBS)			KDVR (Ch. 31, DT 32, FOX) KFCT (Ch. 22, DT 21, FOX)		KMAS (Ch. 24, DT 10, Tele.)	
19	Sacramnto-Stktn-Modesto	1,227,600	1.151		KMAX (Ch. 31, DT 21, UPN)					
20	Orlando-Daytona Bch-Melbrn	1,224,470	1.148				WOFL (Ch. 35, DT 22, FOX) WRBW (Ch. 65, DT 41, UPN)			
21	Pittsburgh	1,165,660	1.093	KDKA (Ch. 2, DT 25, CBS)	WNPA (Ch. 19, DT 30, UPN)					
22	St. Louis	1,156,370	1.084				KTVI (Ch. 2, DT 43, FOX)			
24	Baltimore	1,060,450	0.994	WJZ (Ch. 13, DT 38, CBS)			WUTB (Ch. 24, DT 41, UPN)			
25	Indianapolis	1,019,870	0.956		WNDY (Ch. 23, DT 32, UPN)					
27	Hartford & New Haven	980,410	0.919					WVIT (Ch. 30, DT 35, NBC)		

RANK	DESIGNATED MARKET AREA	TV HOUSEHOLDS	% OF U.S.	VIACOM			FOX ENTERTAINMENT GROUP	GENERAL ELECTRIC		THE WALT DISNEY CO.
				CBS	UPN	Other		NBC	Telemundo	
29	Raleigh-Durham (Fayetteville)	929,460	0.872					WNCN (Ch. 17, DT 55, NBC)		WTVD (Ch. 11, DT 52, ABC)
31	Milwaukee	860,350	0.807				WITI (Ch. 6, DT 33, FOX)			
33	Kansas City	852,510	0.799				WDAF (Ch. 4, DT 34, FOX)			
34	Columbus, OH	835,780	0.784		WWHO (Ch. 53, DT 46, UPN/WB)			WCMH (Ch. 4, DT 14, NBC)		
36	Salt Lake City	769,230	0.721	KUTV (Ch. 2, DT 35, CBS) KUSG (Ch. 12, DT 9, CBS) (Satellite of KUTV)			KSTU (Ch. 13, DT 28, FOX)			
37	San Antonio	718,730	0.674						KVDA (Ch. 60, DT 38, Tele.)	
39	West Palm Beach-Ft. Pierce	700,850	0.657		WTVX (Ch. 34, DT 50, UPN/WB)					
40	Birmingham (Ann and Tusc)	690,030	0.647				WBRC (Ch. 6, DT 50, FOX)	WVTM (Ch. 13, DT 52, NBC)		
41	Norfolk-Portsmouth-Newport News	677,610	0.635		WGNT (Ch. 27, DT 50, UPN)					
42	New Orleans	658,830	0.618		WUPL (Ch. 54, DT 24, UPN)					
43	Memphis	653,840	0.613				WHBQ (Ch. 13, DT 53, FOX)			
45	Oklahoma City	636,970	0.597		KAUT (Ch. 43, DT 42, UPN)					
46	Greensboro-High Point-Winston-Salem	634,140	0.595				WGHP (Ch. 8, DT 35, FOX)			
48	Providence-New Bedford	624,020	0.585		WLWC (Ch. 28, DT 22, UPN/WB)			WJAR (Ch. 10, DT 51, NBC)		
54	Austin	552,060	0.518	KEYE (Ch. 42, DT 43, CBS)			KTBC (Ch. 7, DT 56, FOX)			
57	Fresno-Visalia	519,330	0.487						KNSO (Ch. 51, DT 38, Tele.)	KFSN (Ch. 30, DT 9, ABC)
64	Flint-Saginaw-Bay City	466,510	0.437							WJRT (Ch. 12, DT 36, ABC)
68	Toledo	432,770	0.406							WTVG (Ch. 13, DT 19, ABC)
69	Green Bay-Appleton	418,580	0.393	WFRV (Ch. 5, DT 56, CBS)						
74	Tucson (Sierra Vista)	399,800	0.371						KHRR (Ch. 40, DT 42, Tele.)	
83	Huntsville-Decatur (Fla)	359,260	0.337		WHDF (Ch. 15, DT 14, UPN)					
162	Gainesville	116,380	0.109				WOGX (Ch. 51, DT 31, FOX)			
177	Marquette	88,040	0.083	WJMN (Ch. 3, DT 48, CBS) (Satellite of WFRV)						
	TOTAL ALL COMPANIES	65,831,820	61.726							
	TOTAL Viacom	48,160,380	45.160							
	*with UHF discount	42,382,155	39.742							
	CBS	36,169,200	33.917							
	*with UHF discount	34,943,215	32.767							
	UPN	23,923,120	22.432							
	*with UHF discount	12,791,110	11.994							
	TOTAL Fox	47,389,560	44.437							
	*with UHF discount	40,331,065	37.819							
	TOTAL General Electric	38,911,170	36.488							
	*with UHF discount	34,829,925	32.661							
	NBC	32,658,550	30.625							
	*with UHF discount	31,703,615	29.730							
	Telemundo	29,242,060	27.417							
	*with UHF discount	14,621,030	13.709							
	TOTAL Disney	25,380,590	23.800							
	*with UHF discount	25,120,925	23.557							